

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JUXTACOMM-TEXAS SOFTWARE, LLC

PLAINTIFF,

v.

AXWAY, INC., *et. al.*

DEFENDANTS.

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Civil Action No. 6:10-CV-00011-LED

JURY DEMAND

PLAINTIFF'S NOTICE OF AFFILIATION

On October 1, 2011, former Magistrate Judge Charles Everingham IV joined Akin Gump Strauss Hauer & Feld LLP ("Akin Gump") as a partner in our Longview and Dallas offices. Because it appears that Judge Everingham did not participate personally and substantially as a judge in this case, the undersigned believes that Texas Disciplinary Rule of Professional Conduct 1.11 and ABA Model Rule of Professional Conduct 1.12 do not disqualify Mr. Everingham from representing clients in this case. Given the provisions of Local Rule CV-63, however, Mr. Everingham does not intend to make an appearance in this case until at least the earlier of October 1, 2012, or the reassignment of the case to a judge whose duties under Local Rule CV-63 would not be affected by such an appearance. We believe that Mr. Everingham remains free at this time, however, to consult with clients about the case so long as he does not appear as of record.

The undersigned counsel will be pleased to provide any additional information required by the Court to ascertain compliance with the provisions of the aforementioned rules. Out of an abundance of caution, Mr. Everingham will be screened from and will not consult with clients in the case for 10 days from the date of this Notice.

Dated: October 21, 2011

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this document was served on October 21, 2011, via the Court's ECM/ECF service, to all counsel of record who have consented to such electronic service under Local Rule CV-5(a)(3).



R. LAURENCE MACON